

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROBYN SMITH for DEVAN
VANBRUNT, a Minor, by his Mother and
Natural Guardian,

**Court File No.: 0:11-cv-01771
(RHK/LIB)**

Plaintiff,

v.

BLITZ U.S.A. INC., WAL-MART
STORES, INC., WAL-MART STORES
EAST, LP, WAL-MART STORES EAST,
INC., KINDERHOOK CAPITAL FUND II
L.P., and KINDERHOOK INDUSTRIES,
LLC,

Defendants.

**DEFENDANTS KINDERHOOK CAPITAL FUND II, L.P.
AND KINDERHOOK INDUSTRIES, LLC'S NOTICE OF HEARING ON
MOTION TO DISMISS OR, IN THE ALTERNATIVE, STAY**

TO: Plaintiff Robyn Smith for Devan VanBrunt, a Minor, through her counsel, Hank Anderson and Benton G. Ross, The Anderson Law Firm, 4245 Kemp Blvd., Suite 810, Wichita Falls, Texas 76308; Michael Strom and Shauna M. Verheyen, Sieben Polk, P.A., 1640 Frontage Road, Suite 200, Hastings, MN 55033; and Daniel S. Haltiwanger, Esq. and Brady R. Thomas, Esq., Richardson, Patrick, Westbrook & Brickman, LLC, 1750 Jackson Street, Barnwell, SC 29812.

PLEASE TAKE NOTICE that on June 18, 2012 at 10 a.m., the Court will hear argument on Defendants Kinderhook Capital Fund II, L.P. and Kinderhook Industries, LLC's Motion to Dismiss the count of the First Amended Complaint alleged against them pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure or, in the alternative, Motion to Stay the claim pursuant to 11 U.S.C. § 362(a) and the Court's inherent power to manage its docket before U.S.

District Court Judge Richard H. Kyle, United States District Court, 118 South Mill Street, 212 USPO Building, Fergus Falls, MN 56537.

Dated: March 29, 2012

By: s/Seth Leventhal

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